THE
Dan Smoot Report

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DAN SMOOT

THIS IS YOUR CONGRESS

We have tabulated the 76 most significant roll-call votes taken in the 90th Congress (48 in the House, 28 in the Senate), during its first session (1967) and the first quarter of its second session (January-March, 1968). The tabulations — together with brief discussions of all 76 votes involved, compilations of the number of "liberal" and "conservative" stands (and no stands) taken by each legislator, and conservative percentage ratings of all members — have now been published in a special 28-page report entitled "Record of the 90th Congress."

No other statistical report on the *actions* of the present Congress is as comprehensive as this one. Other rating services limit themselves to 20 votes, or less.

No other rating service uses the *Constitution of the United States* as the yardstick for measuring the behavior of Congress. The AFL-CIO's COPE tabulates roll-call votes in Congress and rates members on the basis of whether they support or oppose AFL-CIO liberal positions on legislation. Some publications select roll-call votes and rate members of Congress on the basis of whether they support or oppose Republican Party positions; some rate members of Congress on the basis of whether they support economy in government operations.

We use none of these guidelines. We are guided by the American constitutional principle that the federal government cannot legally do anything not clearly authorized by the Constitution.

The question of what party or group or interest is for or against a piece of legislation is relatively unimportant. No matter who or how many want a piece of legislation, if the Constitution does not clearly authorize the federal government to act in that field, the legislation is illegal. Legislators who consistently support such legislation should be removed from Congress, because they violate their solemn oath to uphold and defend the Constitution.

THE DAN SMOOT REPORT is published weekly by The Dan Smoot Report, Inc., Box 9538, Dallas Texas 75214 (office at 6441 Gaston Ave.). Subscriptions: $18.00 for 2 years; $10.00, 1 year; $6.00, 6 months. Dan Smoot was born in Missouri, reared in Texas. With BA and MA degrees from SMU (1938 and 1940), he joined the Harvard faculty (1941) as a Teaching Fellow, doing graduate work in American civilization. From 1942 to 1951, he was an FBI agent; from 1951 to 1955, a commentator on national radio and television. In 1955, he started his present independent, free-enterprise business: publishing this REPORT and abbreviating it each week for radio and TV broadcasts available for commercial sponsorship by business firms.

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There is little qualitative difference between a legislator who supports "conservative" spending on unconstitutional programs, and a legislator who supports "liberal" spending. They both violate the Constitution.

A few votes tabulated in our "Record of the 90th Congress" do not involve this basic constitutional principle. The Senate, for example, acted constitutionally in voting to ratify the Consular Treaty and the Outer Space Treaty; but the record proves that any U.S.-U.S.S.R. treaty affecting the security and defense of the United States will inevitably be harmful to our country. Hence, we recorded every vote for these two treaties as "liberal."

BEST IN CONGRESS

Our tabulations give a dismal picture of Congress. The highest conservative rating in the House was that of James B. Utt of California — 76%. The highest in the Senate was 61% (Strom Thurmond of South Carolina and John Williams of Delaware).

In the past, these men had much higher ratings. Men who formerly had perfect conservative ratings (or ratings in the high 80's and 90's) have dropped, in the present Congress, to the 60's, 50's, and 40's.

In the present Congress, only 4 Senators (2 Democrats, 2 Republicans) have conservative ratings of 50% or better: James O. Eastland, Mississippi Democrat, 50%; Richard B. Russell, Georgia Democrat, 55%; John J. Williams, Delaware Republican, 61%; Strom Thurmond, South Carolina Republican, 61%.

Only 61 U. S. Representatives (22 Democrats, 39 Republicans) have conservative ratings of 50% or better.

WORST IN CONGRESS

At the other end of the scale: 24 U. S. Senators (20 Democrats, 4 Republicans) have *zero* conservative ratings. Here are the 24 Senators who consistently perjured themselves when they cast recorded votes in 1967 and the first quarter of 1968 on issues involving the constitutional principle that congressional power is limited by the Constitution — perjured themselves by voting for legislation which violates the Constitution:

Hayden of ARIZONA, Kuchel of CALIFORNIA, Fong and Inouye of HAWAII, Bayh of INDIANA, Cooper of KENTUCKY, Muskie of MAINE, Tydings of MARYLAND, Edward Kennedy of MASSACHUSETTS, Hart of MICHIGAN, McCarthy of MINNESOTA, Long of MISSOURI, McIntyre of NEW HAMPSHIRE, Williams of NEW JERSEY, Javits of NEW YORK, Harris and Monroney of OKLAHOMA, Pastore of RHODE ISLAND, McGovern of SOUTH DAKOTA, Moss of UTAH, Jackson and Magnuson of WASHINGTON, Randolph of WEST VIRGINIA, and McGee of WYOMING.

The 4 Republicans in this list of 24 Senators with zero ratings are Thomas Kuchel of California, Hiram Fong of Hawaii, John Cooper of Kentucky, Jacob Javits of New York.

Seventy-six Senators (51 Democrats, 25 Republicans) have conservative ratings of 25% or *worse.*

Twenty-four U. S. Representatives (all Democrats) have *zero* conservative ratings:

Burton, Edwards, King, Roybal, Sisk, and Van Deerlin of CALIFORNIA; Mink of HAWAII; Kluczynski and Yates of ILLINOIS; Friedel of MARYLAND; Macdonald of MASSACHUSETTS; Diggs of MICHIGAN; Blatnik and Fraser of MINNESOTA; Gallagher, Helstoski, and Howard of NEW JERSEY; Bingham, Farbstein, Resnick, Rosenthal, and Ryan of NEW YORK; Tiernan of RHODE ISLAND; Kastenmeier of WISCONSIN.

More than half of all members of the House of Representatives (238: 187 Democrats, 51 Republicans) have conservative ratings of 25% or *worse.*

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THE HOUSE OPEN-HOUSING VOTE

One important vote not tabulated in "Record of the 90th Congress" is the House passage of the final version of the civil rights bill, HR 2516. The House originally passed HR 2516 on August 16, 1967. The Senate passed it on March 11, 1968, after adding "open-housing" provisions which violate the basic right of people to manage and sell their own property. Both of these votes are tabulated and discussed in "Record of the 90th Congress."

A House-Senate conference committee accepted the Senate bill with the "open-housing" provisions in it, and the administration exerted mighty pressures to get the House to accept the conference bill without revision.

The administration was in a hurry, because it wanted to appease Martin Luther King before he made his march on Washington. There was no prospect that the House would knuckle under. Then, King was murdered; and Washington was sacked and burned by Negro rioters. In panic, the House (under gag rules which eliminated meaningful debate) passed the conference version of HR 2516 on April 10, while the ruins of Washington were still smoking and troops were still in the city trying to restore order. Two hundred and fifty-one Representatives took liberal stands *for* this final passage of HR 2516. Below are the 173 who took conservative stands *against* the final bill:

Andrews, Bevill, Buchanan, Dickinson, Edwards, Jones, Nichols, and Selden of ALABAMA; Rhodes and Steiger of ARIZONA; Gathings, Hammerschmidt, Mills, and Pryor of ARKANSAS; Clausen, Clawson, Gubser, Hosmer, Lipscomb, Mathias, Pettis, Reinecke, Smith, Talcott, Teague, Utt, Wiggins, and Bob Wilson of CALIFORNIA; Aspinall of COLORADO; Bennett, Burke, Cramer, Fuqua, Gibbons, Gurney, Haley, Rogers, and Sikes of FLORIDA; Blackburn, Brinkley, Davis, Flynt, Hagan, Landrum, O'Neal, Stephens, Stuckey, and Thompson of GEORGIA; Hansen and McClure of IDAHO; Arends, Collier, Derwinski, Gray, Kluczynski, Pucinski, and Reid of ILLINOIS; Adair, Bray, Halleck, Myers, Roudebush, and Zion of INDIANA; Gross, Kyl, and Scherle of IOWA; Shriver and Skubitz of KANSAS; Carter, Natcher, Snyder, Stubblefield, and Watts of KENTUCKY; Edwards, Hebert, Long, Passman, Rarick, Waggoner, and Willis of LOUISIANA; Fallon, Garmatz, Machen, and Morton of MARYLAND; Abernethy, Colmer, Griffin, Montgomery, and Whitten of MISSISSIPPI; Curtis, Hall, Hull, Ichord, and Randall of MISSOURI; Battin of MONTANA; Martin of NEBRASKA; Baring of NEVADA; Walker of NEW MEXICO; Delaney of NEW YORK; Broyhill, Fountain, Galifianakis, Gardner, Henderson, Jonas, Jones, Kornegay, Lennon, Taylor, and Whitener of NORTH CAROLINA; Ashbrook, Bolton, Bow, Clancy, Devine, Harsha, Latta, Miller, Minshall, and Wylie of OHIO; Belcher, Edmondson, Jarman, Smith, and Steed of OKLAHOMA; Goodling, Johnson, Saylor, Watkins, Whalley, and Williams of PENNSYLVANIA; Ashmore, Dorn, Gettys, McMillan, Rivers, and Watson of SOUTH CAROLINA; Anderson, Blanton, Brock, Duncan, Everett, Evins, Kuykendall, and Quillen of TENNESSEE; Burleson, Cabell, Casey, Dowdy, Fisher, Mahon, Patman, Pickle, Pool, Price, Purcell, Roberts, Teague, and White of TEXAS; Burton of UTAH; Abbitt, Broyhill, Downing, Hardy, Marsh, Poff, Satterfield, Scott, Tuck, and Wampler of VIRGINIA; Davis and Schadeberg of WISCONSIN; Harrison of WYOMING.

Bidding for the Negro vote by catering to racial agitators whose plans for violence against whites surpass anything yet seen; buying votes with promises of handouts from the public treasury; plundering the public for political gain; kowtowing to union bosses to get the labor vote; playing politics with a war that is ruining our economy and consuming the lives of our soldiers — these practices characterize the Johnson administration and the leadership of the 90th Congress.

This ugly picture of Congress and the administration mirrors our relentless drift away from constitutional principles, under pressure of the pervasive "liberal" ideology of the times.

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WHAT CAN YOU DO ABOUT IT?

Get 10 copies of my "Record of the 90th Congress"—and *use* them. With each copy of "Record of the 90th Congress" you order, I will send you — free of charge — *Reports* which contain the full text of the Constitution, with commentary; the full texts of the amendments, with commentary; and the full text of the Declaration of Independence, with commentary.

How to use this material:

— Check the tabulated votes of the U. S. Representative from your District. Note every "L" (liberal) vote he cast; then, read the brief write-up on the issue involved, to see why he was given an "L" — remembering that an "L" generally means a liberal vote for legislation which violates the Constitution.

— If you are uncertain whether a vote violates the Constitution, do not decide on the basis of whether you like the objective of the legislation in question. Read the Constitution — or at least the commentary on the Constitution, especially the part which shows that the general welfare clause (Clause 1 of Section 8 of Article 1) is not a grant of power to the federal government to dispense welfare or do anything else not specifically authorized by the Constitution.

— Circle every "L" vote that you think your Representative should not have cast. Write him a letter, enclosing the marked copy of "Record of the 90th Congress," together with copies of the U. S. Constitution and amendments. Ask him where in the Constitution or the amendments he found authority for the legislation which you think he should not have supported. Address your U. S. Representative by name, at the House Office Building, Washington, D. C. 20515.

The "Record of the 90th Congress" and two *Reports*, with personal letter enclosed, can be mailed by first class mail for 24c.

— Do the same with each of your two U. S. Senators, addressing them by name at the Senate Office Building, Washington, D. C. 20510. Keep in mind that Senate votes for the Consular Treaty, the Outer Space Treaty, and the appointment of Thurgood Marshall are not unconstitutional: they are classified "L" in "Record of the 90th Congress" because I regard them as harmful to our country.

— Send "Record of the 90th Congress," together with the Constitution and amendments, to candidates opposing your present representatives in Washington. Ask them how they stand with regard to specific issues which you have marked on the tabulated votes of their incumbent opponents.

—Keep one set of the remaining voting-records materials for your own use, passing the remainder out to selected friends, urging them to get enough copies to use exactly as you used yours.

The seeds of dictatorship are nourished in the ruins of anarchy. A Congress of constitutionalists could save our nation from raging anarchy and from the dictatorship that must inevitably follow.

We can elect a Congress of constitutionalists this year. If we do not do it this year (or, at least, elect enough constitutionalists to checkmate the liberals who are surrendering our nation to communists abroad and new-left anarchists at home), we may not have another chance — because the flames of anarchy have already begun to consume our cities.

Prices for "Record of the 90th Congress": 1 copy $1.00; 10 copies $9.50; 25 copies $22.50; 50 copies $42.50; 100 copies $75.00.

Prices include free *Reports,* mentioned above.

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25 copies	2.00	500 copies	28.00
50 copies	3.50	1000 copies	50.00

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